

United States District Court
Eastern District of Washington

Kyle Reece Spencer

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 28 2022

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

SEE attached

Case No. 2:22-cv-00297-SAB
(To be filled out by Clerk's
Office only)

COMPLAINT

Jury Demand?

☒ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section I. Do not include
addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

List of Defendants

Yakama Tribal Council, Chairman Gerald Lewis
Yakama Tribal Council, Vice-Chairman George Meninick Sr.
Yakama Tribal Council, Secretary Charlene Tillequots
Yakama Tribal Council, Asst. Secretary Christopher Wallahee
Yakama Tribal Council, Sergeant-At-Arms Terry Heemsah Sr.
Yakama Tribal Council, Law and Order Chairman Jeremey Takala
Yakama Tribal Council, Law and Order Secretary Ruth Jim
Yakama Tribal Council, Law and Order Member Deland Olney
Yakama Tribal Council, Law and Order Member Terry Goudy-Rambler
Yakama Tribal Agency, Tribal Administrative Director, Philip Rigdon
Yakama Tribal Court, Justice Services Deputy Director, Tamara Saluskin
Yakama Tribal Court, Chief Judge, Ronna Washines
Yakama Tribal Court, Tribal Judge, Ted Strong
Yakama Tribal Court, Associate Judge, Alyssa Buck (Wright)
Yakama Tribal Court, Associate Judge, Tucelia Palmer
Yakama Tribal Court, Associate Judge, Mary Wahpat
Yakama Tribal Court, Associate Judge, Anthony George Jr.

I. PARTIES IN THIS COMPLAINT**Plaintiff**

List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff:

SPENCER, Kyle, R

Name (Last, First, MI)

4328 W. Indian Trail Rd Suite C

Street Address

Spokane, Spokane

County, City

WA

State

99208

Zip Code

509-481-8918

Telephone Number

RECEDED31@gmail.com

E-mail Address (if available)

Defendant(s)

List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

Lewis, Gerald

Name (Last, First)

401 Fort Road

Street Address

Yakima, Toppenish

County, City

WA

State

98948

Zip Code

Defendant 2:

SPENCER, George

Name (Last, First)

401 Fort Road

Street Address

Yakima, Toppenish

County, City

WA

State

98948

Zip Code

Defendant(s) Continued

Defendant 3: Tilleguots, Charlene
Name (Last, First)
401 Fort Road
Street Address
Yakima, Toppenish WA 98948
County, City State Zip Code

Defendant 4: Wallahee, Christopher
Name (Last, First)
401 Fort Road
Street Address
Yakima, Toppenish WA 98948
County, City State Zip Code

II. BASIS FOR JURISDICTION

Check the option that best describes the basis for jurisdiction in your case:

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws, or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

Title 18 U.S.C. Section 242 Deprivation of Rights Under Color of Law

SECTION I. PARTIES IN THIS COMPLAINT

Defendants Continued

Defendant 5: Sr. Heemsah, Terry

401 Fort Road
Yakima, Toppenish WA 98948

Defendant 6: Takala, Jeremy

401 Fort Road
Yakima, Toppenish WA 98948

Defendant 7: Jim, Ruth

401 Fort Road
Yakima, Toppenish WA 98948

Defendant 8: Olney, Deland

401 Fort Road
Yakima, Toppenish WA 98948

Defendant 9: Goudy-Rambler, Terry

401 Fort Road
Yakima, Toppenish WA 98948

Defendant 10: Rigdon, Philip

401 Fort Road
Yakima, Toppenish WA 98948

Defendant 11: Saluskin, Tamara

401 Fort Road
Yakima, Toppenish WA 98948

Defendant 12: Washines, Ronna

401 Fort Road
Yakima, Toppenish WA 98948

Defendant 13: Strong, Ted

401 Fort Road
Yakima, Toppenish WA 98948

SECTION I. PARTIES IN THIS COMPLAINT

Defendants Continued

Defendant 14: Buck (Wright), Alyssa
401 Fort Road
Yakima, Toppenish WA 98948

Defendant 15: Palmer, Tucelia
401 Fort Road
Yakima, Toppenish WA 98948

Defendant 16: Wahpat, Mary
401 Fort Road
Yakima, Toppenish WA 98948

Defendant 17: George Jr., Anthony
401 Fort Road
Yakima, Toppenish WA 98948

III. VENUE

This court can hear cases arising out of the Eastern District of Washington.

Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because:

(1) All defendants live in this state AND at least one of the defendants lives in this district (2) A substantial part of the events you are suing about happened in this district.

IV. STATEMENT OF CLAIM

Place(s) of
occurrence:

Toppenish, WA and Spokane, WA

Date(s) of occurrence:

July 12 2018 to PRESENT

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.

FACTS:

See typed attached Statement of Claim

What
happened to
you?

See Attached Statement of Claim

Was
anyone
else
involved?

See Attached Statement of Claim

Who did
what?

IV. STATEMENT OF CLAIM

On July 12, 2018 my partner, Crystal Lea Buck, was arrested for Domestic Violence (Felony Predicate) perpetrated on me. We both have children together and reside, domicile, school and work in Spokane, WA in Spokane County. Crystal Lea Buck was placed on a Domestic Violence No Contact Order issued by Spokane Court when she was released on July 12, 2018. On July 16, 2018 Crystal Lea Buck asked for the assistance of her sister Alyssa Buck (Wright), a judge in the Yakama Tribal Court. Crystal received that help from her sister Alyssa Buck the judge in Yakama Tribal Court. However, for appearance and to cover up the first of many violations to come, Crystal petitioned for full custody of our children with Judge Ted Strong (Yakama Tribal Court).

After several different petitions filed by Crystal Buck and Yakama Tribal Court certified originals there was an Emergency Temporary Custody Order granted and issued by Judge Ted Strong. Judge Ted Strong knew that Crystal Buck got out of jail for Domestic Violence and there was valid Spokane Municipal Court No Contact Order in effect and issued for my protection and protection of our children. However, Crystal Buck knew that it would be disregarded by Judge Ted Strong in Yakama Tribal Court with the assistance from her sister Judge Alyssa Buck. Crystal Buck knew that she would not receive a favorable decision in her favor here in Spokane, WA court system so, Crystal court (forum) shopped to Yakama Tribal Court. I Kyle Spencer did not know and was not notified that any of the Yakama Tribal Court petitions, court hearings, and granted orders were taking place. All of what I am declaring was not known until June 2021 when my then Spokane, WA attorney Ellen Hendrick told me. As I started to do more research, motions of discovery, and court file requests with Yakima, WA attorney Matt Kaminski did I get some idea of the extent of violations of my rights. Judge Ted Strong tribal court issued Temporary Emergency Custody Order specifically stated the length of time and when a needed court hearing had to be conducted. This never happened according to that temporary order.

On January 23, 2019 Judge Anthony George Jr. (Yakama Tribal Court) ordered a Custody Review Hearing "stating no reason why." Neither Crystal Lea Buck or myself (Kyle Spencer) appeared and both were acknowledged by the judge and Yakama tribal court to reside and domicile in Spokane, WA outside the jurisdiction and exterior boundaries of Yakama Reservation. Yet, the hearing still took place at that time.

On June 25, 2019 Yakama tribal court Judge Anthony George Jr. ordered and conducted a Custody Trial Hearing. I never attended because I was never notified and served properly according to their own Revised Yakama Codes and Laws. Because on June 25, 2019 that same

day when tribal court was conducted and decided, a "Notice of Custody Trial Hearing" was sent out after court was conducted and decided to "via regular mail to Crystal Buck, and restricted certified mail to Kyle Spencer on June 25, 2019." These "notices" were sent to Crystal's P.O. Box address in Spokane, WA.

Allegedly on July 10, 2019 Kyle Spencer signs for delivery of information from Yakama tribal court.

On July 22, 2019 Crystal Lea Buck signs and submits a Petition for Order of Protection in Spokane Superior Court.

On July 23, 2019 Crystal Lea Buck's Petition for Order of Protection in Spokane Superior Court is filed.

Also, on July 23, 2019 Judge Anthony George Jr. signs a final order for Custody Trial Hearing conducted on June 25, 2019. Judge Anthony George Jr. then orders a Custody Review Hearing set for January 23, 2020.

On July 24, 2019 Yakama Tribal Court Clerk Monica Jackson mailed copies of Custody Order to Crystal Buck and Kyle Spencer to P.O. Box 9314 in Spokane, WA.

On August 5, 2019 Crystal's Petition for Order of Protection in the Spokane Superior Court is denied and dismissed by Judge/Commissioner Michelle Ressa.

On January 23, 2020 Yakama tribal court Judge Anthony George Jr. ordered a "Custody Review Hearing" from January 23, 2019 "Custody Review Hearing" initiated and ordered by Judge Anthony George Jr. and not by Kyle Spencer or Crystal Buck. In all of those orders it specifically and explicitly states that the parties must file a motion for review. But all of the hearings have been ordered, conducted, and reviewed by Judge Anthony George Jr. and most recently Judge Tucelia Palmer.

On January 28, 2020 Judge Tucelia Palmer signed and tribal court stamped Associate Judge Court of the Yakama Nation, the review hearing initiated by Judge Anthony George Jr. continuing the previous order.

On February 2, 2020 A certified true copy of Judge Anthony George Jr. initiated and Judge Tucelia Palmer signed "order after custody review hearing."

The above hearings and orders that took place in Yakama Tribal Court and issued by those judges of tribal court were not known to me and I Kyle Spencer was never properly notified or received any of those tribal court hearings and orders issued by those tribal judges and tribal court in person or mailed to my physical address.

Throughout the previous stated timeline of events Crystal Buck chose to live with me in Spokane, WA in the house I provided for our family. We also had our third child, Crystal's fourth, and he was born January 11, 2020. At no time did Crystal tell me anything about her petitions and filings in Yakama tribal court while Crystal was living with me and our children in Spokane, WA. Our family continues to reside, domicile, go to school, and work in Spokane, WA.

Each listed defendant has direct knowledge of the above violations of their tribal laws, illegal conduct of tribal judges, and the explicit knowledge of my case. Each listed individual defendant has been notified by me about the violations through direct communication telephonically, declarations filed, filed official complaints, and documented electronic mail correspondence. I have brought this to their attention by utilizing their judicial complaint process, administrative complaint process, and continued representation of myself against their court actions and proceedings. The defendants are directly responsible and accountable for the decisions made by their tribal judges because it is in direct line with the checks and balances as described by their Revised Yakama Code. All of the defendants have had ample time to address and correct the illegal behavior of those tribal judges and yet they have taken no action to halt the continued deprivation of my rights. Their belief is that Sovereign Immunity applies to them individually, so they conduct themselves with no fear of repercussions. I have exhausted all means in their forum and still have had no resolution and relief of my legal motions and actions. The timelines as outlined in their laws and Revised Yakama Code have been disregarded and ignored. This has caused me extreme financial hardship, emotional pain and suffering, and jeopardized the rights of my children and myself. The remedy I seek can only come through the federal court system as they are ultimately the law of the land when it comes to a specific issue like this as they oversee what happens on Indian Reservations. The listed defendants have told me explicitly that they will not do anything to correct the illegal behavior and that they will defend the illegal decisions of the tribal judges and orders that have been issued.

V. INJURIES

If you sustained injuries related to the events alleged above, describe them here.

VI. RELIEF

The relief I want the court to order is:

☒ Money damages in the amount of: \$ 250,000.00

☒ Other (explain):

That all pertaining tribal court cases are dismissed and that jurisdiction is put back in the proper forum of Spokane County (State of Washington). Further relief that I seek could and should be addressed when this matter is heard.

VII. CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

11/25/2022
Dated

Kyle Spencer
Plaintiff's Signature

SPENCER, Kyle, R
Printed Name (Last, First, MI)

4328 W. INDIAN TRAIL Rd Suite C SPOKANE WA 99208
Address City State Zip Code

509-481-8918
Telephone Number

REECE0311@gmail.com
E-mail Address (if available)

List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.